(25)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4657/2007

Petitioner Ravindra Kumar Sahu, aged 42 years son of Shri Ramlal Sahu, Teacher, Government Girls' Higher Secondary School, Dhamtari, Tahsil & District-Dhamtari.

Versus

RESPONDENTS

1. The State Government of Chhattisgarh Through the Secretary, School Education Department, DKS Bhavan, Raipur(CG)
2. The Collector, Dhamtari (CG)
3. The District Education Officer, Dhamtari (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri B.K. Chakravarti, counsel for the petitioner.

Shri Yashwant Singh, Government Advocate for the State on advance copy.

ORAL ORDER
(20.8.2007)

Sunil Kumar Sinha, J.

Heard on admission.

The petitioner, who is working on the post of Teacher in Government Girls' Higher Secondary School, Dhamtari, has been transferred from Dhamtari to Block Magarlod on administrative grounds vide order dated 20.7.2007 (Annexure P-1).

Learned counsel for the petitioner submits that no particular place has been mentioned in the transfer order of the petitioner. He also submits that children of the petitioner are studying in local institutions, whose studies would be adversely affected if the transfer order is allowed to subsist. He prays for quashment of the order on these grounds.

So far as the first ground is concerned; it has been mentioned in the order itself that firstly the petitioner has to report to the Block Head Office, from where his posting is to be made. This does not amount to any irregularity. As far as studies of the children is concerned, no doubt mid-session transfer affects studies of the children, but this is not a case of mid-session transfer. In Chhattisgarh, the Session begins from 1st of July and this order, passed on 20.7.2007, cannot be said to be a mid-session transfer order, therefore, this ground is also not available to the petitioner. Moreover, the transfer is an incidence of service. Nobody can claim for his posting at a particular place, when he is working on a transferable post. Who should be posted where, is to be decided by the employer and the employer would be the best Judge regarding transfer and posting of his employee. Unless the order of transfer is vitiated by malafide or is passed on extraneous consideration or passed in violation of any statutory Rules or Acts, the same cannot be interfered with by a Court of law.

The petition is not worth admission.

The same is dismissed at the motion stage itself. However, looking to the personal difficulties of the petitioner, if so advised, he may file a detailed representation before the concerned authority, which shall be decided by them in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

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